

(164)
The undersigned Agent is compelled in his turn to say, he is not fortunate enough at present to comprehend, how this can be made of these orders or instructions, by the Agent of the United States.

1. Because the orders, even if they had directed a survey of the River Magaguadavic, were not an act of the Government of the Province, but given and intended by Governor Bernard individually, merely to ascertain that River S. Croix, its courses and extent, which was the ancient western boundary of the Province of Nova Scotia, and consequently the boundary between that Province and Massachusetts-Bay, for the purpose of enabling him to obtain from the Governor of the former Province a grant of the tract of land he wanted for himself & his friends. — and

2. Because instead of directions to survey the river Magaguadavic the orders were clear and positive to survey the River ^{of which the source was near the Penobscot} ~~as the river S. Croix~~ ^{soon} ~~known~~ as the river S. Croix of the United States.

The Honorable Agent goes on to say — "Upon these orders, Mitchell, Israel Jones, Nathan Jones, Abraham Duncan and Joseph Bradbury proceeded to the River Magaguadavic". — This was singular enough when they were sent to the

185
River Scoudiac, by these very orders. — "They examined the native Indians, as to the question which was the S. Croix River". — There was no authority for this in these orders. — and were ~~by~~ by them acting under "the solemnity of an oath" which they had no authority to administer; — "shewn the river last mentioned", the Magaguadavic, "as the river of that name". "They surveyed the river accordingly and made their return to the Government. That return became a matter of record, and thereby a matter of public notoriety of course". "N. B. The Record of that report is lost, and must be proved by Witneses"! [14]

That the Persons here named disobeyed these orders, and surveyed the River Magaguadavic without orders, is clear; but there is no evidence offered of their having made any return to the Government of the Province about it; nor of their return having become a matter of record; nor is it easy to conceive how this could have been the case, under all the circumstances of the transaction as they really existed, and have been stated. — Had this been a business of the Government of the Province, & become a matter of Record there, it would have been

[14] This section is altered in the copy filed with the Secretary, & will be noticed in a supplemental Report.
[16] The Year before Morris Survey, Bernard had employed Mitchell to survey the Country. He procured the Affidavit of several Indians, who made oath that the Magaguadavic was always called the S. Croix; but this did not comport with the Governor's wishes to obtain a Grant.
Sullivan's History. p. 42.